

IN THE SENATE

SENATE BILL NO. 1028

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING CHAPTER 3, TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 9-340, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS EXEMPT FROM DISCLOSURE SHALL BECOME PUBLIC RECORDS, TO PROVIDE FOR APPLICABILITY, TO PROVIDE THAT RECORDS EXEMPT FROM DISCLOSURE SHALL BE PRESUMED TO BE PUBLIC SEVENTY-FIVE YEARS AFTER THEIR CREATION, TO PROVIDE FOR CONTINUED EXEMPTION FROM PUBLIC DISCLOSURE AND TO PROVIDE THAT SPECIFIED RECORDS SHALL REMAIN SUBJECT TO CERTAIN PROVISIONS OF LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 3, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-340, Idaho Code, and to read as follows:

9-340. RECORDS EXEMPT FROM DISCLOSURE -- RECLASSIFICATION AS PUBLIC RECORDS. (1) The classification of a record is not permanent, and any record that was classified as exempt under title 9, Idaho Code, shall become a public record when the justification for the original, or any subsequent exempt classification, no longer exists.

(2) This section applies to permanent and historical records and nothing herein supersedes any record retention schedules adopted under the provisions of section 31-871, 50-907 or 67-5752, Idaho Code.

(3) Any exempt record shall be presumed to be public seventy-five (75) years after its creation.

(4) Any record custodian may maintain the exemption on a record after seventy-five (75) years only in the interests of national or state security, public safety, to protected cultural or archeological sites, upon the written request of a living person to whom the record applies or to comply with federal requirements. Such continued exemption is subject to judicial review.

(5) Records of birth, death, stillbirth, marriage or divorce in the custody of the state registrar pursuant to section 39-270(e), Idaho Code, shall remain subject to the provisions therein.